



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – Acting President**

City Manager  
**Andrew T. Souza**

City Clerk  
**Rebecca E. Klisch, CMC**

City Attorney  
**James C. Sanchez**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

## April 24, 2007

### 8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

## **Ceremonial Presentations:**

Presentation of the "Carl Hernandez Award" – Council President Henry T. Perea

### **Read and presented**

Appearance by Laotian Community Leaders – Councilmember Blong Xiong

### **Appearance made**

Proclamation of "Crime Victims Rights Week"- Councilmember Larry Westerlund

### **Read and presented**

Proclamation of "Week of the Young Child" – Mayor Alan Autry

### **Read and presented**

Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (*Reception immediately following-2<sup>nd</sup> floor foyer*)

### **Presentation made**

Approve minutes of April 17, 2007

**Action Taken: Approved as submitted**

Councilmember Reports and Comments

Approve Agenda

**Action Taken: Approved as submitted**

Adopt Consent Calendar

**Action Taken: All items adopted as submitted**

## **1. CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered immediately following.

- A. \* **RESOLUTION** 17th amendment to the FY07 Salary Resolution 2006-257 adding the Classification of Plumber – Personnel Services Department  
**Action Taken: Res. 2007-156 adopted**
- B. \* **RESOLUTION** – Authorizing acceptance of the 2007 Juvenile Accountability Block Grant Program Award of \$13,379 and execution of program documents – Police Department  
**Action Taken: Res. 2007-157 adopted**
- C. \* [Approval of an agreement between the City of Fresno and Pacific Gas & Electric Company \(PG&E \) for the installation of PG&E Smartmeter™ Communication Equipment on City owned streetlights - Public Works Department](#)  
**Action Taken:** Recommendation approved
- D. \* [Approve construction contract change order in the amount of \\$260,000 to Granite Construction for storm water system improvements associated with the rehabilitation/reconstruction of various taxiways at Fresno Yosemite International Airport – Airports Department](#)  
**Action Taken:** Recommendation approved
- E. **RESOLUTION** - [Approving The Final Map of Tract No. 5312 and accepting dedicated public uses therein; authorize the Public Works Director and Public Utilities Director to execute the necessary documents. \(Property located in Council District 4\) - Planning and Development Dept.](#)  
**Action Taken: Res. 2007-158 adopted**

1. **CONSENT CALENDAR CONTINUED**

- F. **RESOLUTIONS** - Approving the Final Maps of Tracts No. 5427 and 5686 and accepting dedicated public uses therein; authorize the public works director, public utilities director and planning and development director to execute the necessary documents. (*Property located in Council District 4*)- Planning and Development Dept  
**Action Taken:** Resolution Nos. 2007-159 and 2007-160 adopted
- G. \* Award a requirements contract for street re-lamping to Electric Motor Shop in the amount of \$215,463.60 – Public Works Department  
**Action Taken:** Recommendation approved
- H. \* Approve agreement with LP Consulting Engineers, Inc., in the amount of \$94,000 to design the diesel exhaust system in the apparatus rooms of existing Fire Stations No.1 Through 10, 12 & 14 within the City of Fresno (Fire Stations No. 12 & 9 are within Council District 1, Stations 2 & 14 are within Council District 2, Stations 3, 4 & 7 are within Council District 3, Stations 1, 6 & 10 are within Council District 4, Station No. 8 is within Council District 5, Station No. 5 is within Council District 7) - Public Works Department  
**Action Taken:** Recommendation approved as submitted
- I. Approve contract with Fresno Unified School District to provide funds for Parks, Recreation and Community Services to conduct an expanded after school recreation pilot program running through June 13, 2007 - Parks, Recreation and Community Services  
**Action Taken:** Recommendation approved as submitted
1. \* **RESOLUTION** - 73rd amendment to the AAR No.2006-283 to appropriate \$55,100 from the Fresno Unified School District to the General Fund to expand the after school recreation pilot program running through June 13, 2007 - Parks, Recreation and Community Services (*Requires 5 affirmative votes*)  
**Action Taken:** Res. 2007-161 adopted
- J. \* **RESOLUTION** - 75th amendment to the AAR No. 2006-253, appropriating \$147,000 in additional FY 2004 and FY 2005 funding awarded to the Fire Department from the Homeland Security Grant administered by the State Office of Emergency Services (OES), through the County of Fresno, to provide for training and equipment – Fire Department (*Requires 5 affirmative votes*)  
**Action Taken:** Res. 2007-162 adopted
- K. **BILL - (For introduction)** – Amending Subsection 12-306-N-56 to the Fresno Municipal Code relating to the definition of medical marijuana dispensaries and cooperatives – Planning and Development Dept.  
**Action Taken:** Bill No. B-30 introduced and laid over

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Ashok Seth, Fresno Cab Company, regarding various taxi cab requirements  
**Appearance made**
- B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.

### **CITY COUNCIL**

- A. **RESOLUTION** – Initiating the process to name a tennis court at the Roeding Tennis Center (Setting the public hearing and publishing the public notice)- Councilmember Cynthia Sterling  
**Action Taken:** Res. 2007-163 adopted, hrg set for 5/15/07, @ 10:00 a.m. #1
- B. **RESOLUTION - Appointing a joint Fresno City and County committee for the purpose of establishing a Little Hoover Commission for Efficiency in Government. - Councilmember Calhoun**  
**Action Taken:** Res. 2007-164 adopted
- C. Discussion and direction regarding proposed increase in compensation for City Attorney – Councilmember Henry T. Perea  
**Action Taken:** 4% increase approved

9:30 A.M.

### **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of April 17, 2007

**Action Taken:** Approved as submitted

- A. Direction to staff to look into purchasing of land, single room occupancy motels/hotels, apartments, or other buildings, which could be used to provide emergency shelter, supportive and/or transitional housing for the homeless (Council and Agency action) – Councilmember Sterling  
**Action Taken:** Staff directed as noted

### **ADJOURN AGENCY**

10:00 A.M.

HEARING to consider Rezone Application No. R-06-60, and environmental findings, filed by Claude Saiz, Jr., pertaining to approximately .1 acre of property located on the south side of E. Thomas Avenue between North Thesta and North Fresno Streets (Property located in District 3) – Planning & Development Department

**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-06-60, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Recommendation approved
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-5(General Commercial) zone district to the R-1 (Single Family Residential) zone district  
**Action Taken:** Bill No. B-40 adopted as Ordinance 2007-39

10:10 A.M.

HEARING to consider Rezone Application No. R-06-68, and environmental findings, filed by City of Fresno, pertaining to approximately 2,400 square feet of property located on the east side of North Echo Avenue between East Divisadero Street and East Nevada Avenue (Property located in District 3) – Planning & Development Department

**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-06-68/S-06-385/V-06-32, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Adopted as recommended
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-4( High density Multiple Family Residential) zone district to the R-1 (Single Family Residential) zone district  
**Action Taken:** Bill No. B-41 adopted as Ord. 2007-40

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**\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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**AND MAY BE AMENDED AT ANYTIME**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:15 A.M.**     [HEARING to consider Variance Application No. V-06-03, filed by East Bay Tire Company, pertaining to a 9.91 acre parcel of land located on the west side of Freeway 99 just north of Freeway 99 and East North Avenue interchange \(Property located in District 3\)- Planning and Development Department](#)  
**Action Taken:** Held
- a.     **RESOLUTION-** Denying the Variance application (Planning Commission recommendation)  
**Action Taken:** Not adopted
  - b.     Consider and adopt the Draft Negative Declaration for Environmental Assessment No. V-06-03, dated February 1, 2007, if Council takes action in the affirmative approving Variance Application No. V-06-03  
**Action Taken:** Denial overturned, Draft Neg Dec appvd Variance App. V-06-03 appvd
- 10:45 A.M.**     [HEARING to consider Rezone Application No. R-06-066, and environmental findings, filed by Donald W. Sims, pertaining to approximately .13 acre of property located on the northeast corner of South Snow and East Oleander Avenues, north of East Kearney Boulevard and west of "A" Street \(611 East Oleander Ave\) \(Property located in District 3\) – Planning & Development Department](#)  
**Action Taken:** Held
- a.     Consider and adopt Environmental Assessment No. R-06-066, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Adopted as recommended
  - b.     **BILL** – Amending the Official Zone Map to rezone the subject property from the C-5 (General Commercial) zone district to the R-1 (Single Family Residential) zone district  
**Action Taken:** Bill No. B-42 adopted as Ord. 2007-41
- 10:50 A.M.**     **GENERAL ADMINISTRATION**
- A.     \*     [Authorize Planning and Development Director to enter into a \\$700,000 professional services agreement with Calthorpe Associates to provide urban design, design guideline elements, and consulting team management including transportation, economic development, civil engineering, and environmental consulting for developing the City's Southeast Growth Area \(SEGA\) Community/Specific plan.- Planning & Development Department](#)  
**Action Taken:** Recommendation approved
  - B.     [Approve responses to the 2006-2007 grand jury report- City Manager's Office](#)  
**Action Taken:** Gang Activity responses appvd, Ind. Police Aud responses not appvd
- 11:00 A.M.#1**     [Override of Mayoral veto pertaining to adoption of Resolution No. 2007-116 \(as amended\) regarding the 443<sup>rd</sup> amendment to MFS for the Citywide Regional Street Impact Fee and New Growth Area Major Street Impact Fee – Councilmember Jerry Duncan](#)  
**Action Taken:** Vote to override veto failed adoption
- 11:00A.M.#2**     [HEARING to consider approval of resolution adopting the 443<sup>rd</sup> amendment to the Master Fee Schedule Resolution 80-420, acceptance and adoption of final draft report Fresno Major Street Impact Fee program nexus study and adoption of finding of conformity with the master environmental impact report 10130 for the City's 2025 general plan.](#)  
**Action Taken:** Held
- a.     **RESOLUTION** - Adopting Finding of Conformity pursuant to EA No. PW 06-06-27; Adoption of Final Draft Fresno Major Street Impact Fee Program Nexus Study, March 15, 2007; Adoption of Findings pursuant to Mitigation Fee Act for adoption of Citywide Regional Street Impact Fee and New Growth Area Major Street Impact Fee.  
**Action Taken:** Res. 2007-164 adopted
  - b.     \*     **RESOLUTION** - 443<sup>rd</sup> amendment to the Master Fee Schedule Resolution 80-420 to adopt Citywide Regional Street Impact Fee and New Growth Area Major Street Impact Fee.  
**Action Taken:** Res. 2007-165 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:00 P.M. #2**      **CLOSED SESSION**

- A.      CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Government Code Section 54956.9, subdivision (b)  
**Title:** PG&E v. City of Fresno  
**Action Taken:** Held
- B.      CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**  
Government Code Section 54956.9, subdivision (b)  
**Title:** *City of Fresno v. Board of Trustees of the California State University, et al.*  
Superior Court Case No. 07CECG01148  
**Action Taken:** Held, legally filed papers to be served
- C.      CONFERENCE WITH LEGAL COUNSEL- SIGNIFICANT EXPOSURE TO LITIGATION**  
Government Code Section 54956.9, subdivision (b)  
**Title:** *Karen Boquist v. City of Fresno*  
**Action Taken:** Held

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- May 1 - 10:00 A.M.**      **Hearing** re: to consider Rezone Appl. No. R07-007, filed by John Ford
- May 1 - 2:30 P.M.**      Presentation by the 10X10 Blue Ribbon Committee on Affordable Housing – Member Sterling
- May 9 – 2:00 P.M.**      Presentation of Employee Service Awards (***Reception immediately following – 2<sup>nd</sup>***  
***(Wednesday)***      ***floor foyer)***
- May 15 – 10:00 A.M.#1** **Hearing** to name a tennis court at Roeding Tennis Center
- May 15 – 10:00 A.M.**      **Hearing** re: to consider Rezone Appl. No. R-07-11, filed by the City of Fresno
- May 15 - 10:15 A.M.**      **Hearing** re: to consider Rezone Appl. No. R-07-005, filed by Francisco Valderrama